



Australian Government  
Australian Maritime Safety Authority

# NEAR COASTAL QUALIFICATIONS REVIEW

Consultation report

March 2022





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Australian Government

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Australian Maritime Safety Authority

# **NEAR COASTAL QUALIFICATIONS REVIEW**

## **Consultation report**

March 2022

# Near Coastal Qualifications Review

## Consultation Report

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# 1. Introduction

On 1 July 2013, the National System for Domestic Commercial Vessel Safety commenced. The National System brought eight sets of rules together into one regulatory scheme and was based on nationally agreed standards for commercial vessels.

In 2016, AMSA began a 'back to basics' review of the near coastal qualifications framework, specifically Marine Order 505 (Certificates of competency – national law) (Marine Order 505) and Part D of the National Standard for Commercial Vessels (Crew competencies). Both the Domestic Commercial Vessel Industry Advisory Committee (DCVIAC) and the Fishing Industry Advisory Committee (FIAC) provided input to this initial review of the framework. Based on the feedback received AMSA decided to adopt a co-design approach and established a project to revise the qualifications framework for the domestic commercial vessel industry.

By mid-2018 AMSA had established the Near Coastal Qualifications Review Industry Reference Group (IRG), reflective of all sectors of the domestic maritime industry, to provide advice and recommendations during development of the revised qualifications framework.

Over the next three years, through extensive collaboration with the IRG and two rounds of public consultation the revised qualifications framework and guidelines has largely achieved its goal – national consistency, improved qualification pathways and better safety outcomes for Australian seafarers and domestic commercial vessel operators.

This report provides an overview of the co-design process, key issues raised during each round of public consultation and the key changes to the qualifications framework.

## 2. Consultation approach

The domestic commercial vessel industry has diverse interests, business models and widespread geographic distribution. These elements need to be considered when developing new and amended regulations and standards. Therefore, consultation plays a critical role in the development of robust and fit for purpose regulation. Reference groups can also play an important role in the consultation process to ensure safety standards and regulations adequately and appropriately address risks associated with DCV operations and the impact of changes on other sectors.



It was important to AMSA that the review of the near coastal qualifications framework was directly informed by industry. To facilitate industry input AMSA established a Near Coastal Qualification Review Industry Reference Group (IRG) to work with AMSA to co-design the revised qualifications framework. The co-design process was conducted in five phases over three years, including two rounds of public consultation, to ensure we heard from as many industry participants as possible. The first round of public consultation was also supported by a series of information sessions and an extensive awareness campaign.



Phase	Dates
Initial Co-design (IRG meetings 1, 2 and 3)	Sept 2018 – April 2019
Public Consultation 1	5 Aug 2019 to 29 Sept 2019
Information sessions (see <b>Annex 1</b> for locations)	19 Aug – 24 Sept 2019
Co-design Phase 1 (IRG meetings 4 and 5)	June – Dec 2020
Public Consultation 2	20 Sept 2021 – 14 Nov 2021
Co-design Phase 2 (IRG meeting 6)	3 March 2022

## Near Coastal Qualifications Review Industry Reference Group

The Near Coastal Qualification Review Industry Reference Group (IRG) played a key role in the review of the near coastal qualifications framework. The IRG membership reflected the diversity of interests, business models and widespread geographic distribution of the domestic commercial vessel industry and were responsible for:

- consulting with their area of industry to provide AMSA with a broad spectrum of opinion;
- acting in the best interests of their industry without personal agenda or bias;
- utilising their own networks and communication channels to circulate information from AMSA as widely as possible.

To ensure the submissions raised during consultation were considered from a 'whole-of-industry' perspective, the IRG consisted of representatives from many of the diverse areas of the domestic commercial vessel industry including:

- ferries, sailing, tourism, and charter vessels
- fishing and aquaculture
- construction and towage
- sailing
- peak bodies and
- unions

The IRG worked closely with the AMSA project team throughout the review to ensure feedback from industry was fairly evaluated and proposed solutions would meet the diverse needs of the domestic commercial vessel industry. The IRG met on six occasions to discuss key proposals to ensure that AMSA was well informed by the breadth of opinion in industry on those changes.

The IRG was a highly committed group of industry experts, as demonstrated by their level of participation and contribution across the duration of the review. AMSA extends its thanks to members for their contribution.

## Summary of submissions

Activity	Received	Confidential	Public
Public Consultation 1	565	529	36
Public Consultation 2	152	136	16

## 3. Public Consultation 1

### Overview

The first public consultation on the proposed draft Marine Order 505 took place between 5 August and 29 September 2019.

During that period, AMSA ran an extensive awareness campaign and held 14 information sessions across the country to gather further industry feedback (see **Annex 1** for more details).

AMSA received over 500 submissions, along with additional feedback and input from the 387 attendees at the information sessions.

Of the public consultation questions, six were closed-ended questions, asking respondents to provide 'yes/no' answers. Another open-ended question allowed industry to provide feedback about any aspect of the proposed changes to Marine Order 505.

The feedback was diverse and—in many instances—revealed opposing views across industry on a range of issues.

Given the volume of submissions and the complexity of issues raised, AMSA continued working closely with the IRG to ensure feedback from industry was fairly evaluated and that proposed solutions would meet the diverse needs of the domestic commercial vessel industry.

Proposed solutions arising from consideration of this feedback were the subject of the second round of public consultation conducted in late 2021.

A summary of responses to the closed-ended questions received during public consultation 1 is provided at [Annex 2](#).

## Key issues arising from feedback

During the process of reviewing the feedback from industry, AMSA identified four key issues and worked closely with the IRG to find proposed solutions to the issues raised by industry. These issues and solutions adopted are outlined below.

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### Key issue 1: General purpose hand near coastal certificate of competency—applying appropriate training and duties

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- Industry feedback indicated that the General Purpose Hand training and duties are not fit for purpose across all sectors of the industry.

AMSA decided to amend the General Purpose Hand NC—duties and functions.

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### Key issue 2: A recreational boating licence issued by a state or territory as one of the training options for a Coxswain Grade 3 NC certificate.

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- The industry was split between a Recreational Boating License being sufficient and insufficient as training for a Coxswain Grade 3 NC certificate.

AMSA decided to amend the Coxswain Grade 3 NC—eligibility requirements.



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Key issue 3: Task books compulsory for completing sea service to obtain a certificate of competency.

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- Industry wanted both options of providing sea service with and without a task book.

AMSA agreed to provide both options of providing sea service with or without a task book. See schedule 3 of the order.

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Key issue 4: Impacts on existing certificates of competency.

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- Industry sought clarification on changes to length endorsements, sheltered water limitations and impacts to career progression.

AMSA resolved these concerns by developing the *Guidelines on the changes to the certificates of competency and exemptions* to assist with the transition to the revised framework.

## Other responses

Some of the respondents opted only to provide general feedback, leaving questions 1–6 blank, while others provided feedback by alternate means, including via social media.

# 4. Public Consultation 2

## Overview

The second round of public consultation took place between 20 September and 14 November 2021 and sought feedback on the key issues arising from the first round of public consultation and feedback on the supporting '*Guidelines on the changes to the certificates of competency and exemptions*'.

AMSA received over 150 submissions, along with additional feedback from social media channels.

Of the consultation questions, two were closed-ended questions, asking respondents to provide 'yes/no' answers. Another two open-ended question allowed industry to provide feedback about any aspect of the proposed changes to Marine Order 505 and guidelines.

AMSA continued to work closely with the IRG following the second round of public consultation to ensure the same rigour and debate of outstanding issues was concluded using the co-design approach.

A summary of responses to the closed-ended questions received during the public consultation 2 is provided at [Annex 3](#).

## Key issues arising from feedback

During the process of reviewing the feedback from industry, AMSA identified thirteen key issues and worked closely with the IRG to find proposed solutions to the issues raised by industry. These issues and solutions adopted are outlined below.

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### Key issue 1: Exemption 15 – Marine Safety (Scientific research and educational activities)

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- Industry advised scientific research vessels currently operated by training institutes under Exemption 15 are not adequately addressed. They are currently exempt to operate beyond the limits of a Coxswain 3.

AMSA decided to address the affected parties by issuing specific exemptions with specific requirements for these operations. Others obtain a Coxswain 3 or higher certificates as appropriate.

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### Key issue 2: Exemption 22 – Marine Safety (Bareboats) and grandfathered houseboat operators

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- Houseboat operators primarily operating under Exemption 22 (and grandfathering) are not adequately addressed.

AMSA decided to address the affected parties by issuing a specific exemption with specific requirements for those operations. Others operate under Exemption 22 and current requirements.

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### Key issue 3: Exemption 18 – Marine safety (Sail) - passenger restrictions

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- Industry advised sailing master certificates' restriction to 12 passengers. Vessels are currently operating under Exemption 18 without passenger restrictions.

AMSA decided to amend the order to remove the 12-passenger restriction for operations within inshore waters (15 nm seawards) and when a holder is operating as chief mate or deck watchkeeper seawards from inshore waters.

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#### Key issue 4: Definition of chief engineer

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- Definition of chief engineer – concerns related to “in charge of” propulsion machinery and their operation and maintenance.

AMSA decided to retain the current definition in the public draft order.

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#### Key issue 5: Definition for “in charge of a navigation watch”

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AMSA decided not to define the term. It was agreed defining the term could introduce greater risk if the term was not comprehensively defined and could potentially be too prescriptive and restrictive to cover the diverse operations in the industry.

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#### Key issue 6: Definition of propulsion power

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- Some parts of industry requested the single largest propulsion by one shaft to apply to all vessels and others requested total propulsion power to apply to all vessels.

AMSA decided to retain the definition in the public draft order without making any changes to the current definition which has been in place for many years and is largely understood by industry.

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#### Key issue 7: Exemption 38 – Marine Safety (Low complexity duties) – Coxswain 3 operations

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- Allowing a Coxswain 3 to operate without applying and obtaining an AMSA issued certificate of competency if the Coxswain 3 eligibility criteria is met (like operating under Exemption 38).

AMSA decided to largely retain the provisions of the public draft order with only minor drafting amendment to provide further clarity. AMSA anticipates that over 4,500 people are currently operating either under Exemption 38 or grandfathering arrangements without a certificate of competency. AMSA intends to reduce the administrative and financial burden to industry on this lowest entry level certificate.

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#### Key issue 8: First aid certificate for Coxswain 3 marina operations

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- Industry queried why a Coxswain 3 eligible to operate without a certificate of competency in a marina does not require a first aid certificate.

AMSA decided to retain the provisions of the public draft order as marina operators are currently operating without mandating a first aid certificate under Exemption 38 and because the operation requires to comply with the Marine Order 504 (Certificates of operation and operation requirements) first aid requirements.

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#### Key issue 9: Coxswain 3 – passenger limit

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- Coxswain 3 permits only 6 persons (5 passengers max) this disadvantages passenger vessel tenders currently operating under Exemption 38.

AMSA decided to amend the order to allow a maximum of 12 persons on tenders with a parent vessel with the restrictions in place for operating from a parent vessel. It is considered that the risk is lower as the master of the parent vessel has overall supervision, within line of sight and the ability to communicate with the tender.

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#### Key issue 10: Direct supervision for engineering certificates

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- Industry suggested that for engineering certificates, the order should rationalise wording where “direct supervision” is used. A certificated General Purpose Hand can assist an engineer under “general supervision, therefore a marine engine driver or engineer class 3 holder should be able to do the same.

AMSA decided to amend the order to provide clarification about supervision requirements.

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#### Key issue 11: Qualifying sea service for engineering certificates

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- Industry advised that for engineering certificates there is concern with General Purpose Hand / deckhand sea service only, being used for obtaining a Marine Engine Driver 1 or Engineer Class 3 certificates of competency.

AMSA decided to amend the order to provide clarification about sea service requirements.

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## Key issue 12: Operations for sailing master certificate holders

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- Industry advised sailing master certificate holders were not eligible to operate as a General Purpose Hand in the public draft order.

AMSA decided to amend the order to allow sailing master certificate holders to operate as a General Purpose Hand.

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## Key issue 13: Validity of medical certificates

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- Industry advised there were varying validity periods for medical certificates in the public draft order.

AMSA decided to retain the provision of public draft order/medical standards. This risk-based approach, after expert medical advice, allows the majority medical certificate holder validity to be increased to 4 years from 2 years.

## Other responses

Some of the respondents opted only to provide general feedback, while others provided feedback by alternate means, including via social media.

# 5. Summary of outcomes

The new Marine Order 505 (Certificate of competency – national law) 2022 will commence on 1 January 2023. It includes the content that was previously contained in Part D of the National Standard for Commercial Vessels (NSCV), with the following key changes to the certificates:

- the introduction of three new near coastal certificates of competency:
  - the Coxswain Grade 3 NC, which replaces the current Exemption 38 arrangements;
  - Sailing Master Coastal; and
  - Sailing Master Offshore;
- replacement of the Master <35m certificate of competency with the Master <45m certificate of competency;
- replacement of the Master <80m certificate of competency with the Master <100m certificate of competency; and
- phasing out of the Mate <80m certificate of competency.

There were also some changes to the sea time requirements, endorsements and restrictions for the certificates of competency.

In addition, the standard for the assessment of medical fitness for masters and crew of domestic commercial vessels was modified under the new Marine Order 505, and a medical certificate is now required for the first issue of all certificates of competency, and the validity duration of the certificate varies depending on age.

Finally, the new Marine Order 505 incorporated the provisions for the approval of registered training organisations to conduct mandated practical assessments, and the conditions of the approval, with only minor changes to the previous arrangements.

## 6. Further Information

AMSA has developed detailed guidelines to support the implementation of the revised qualifications framework. Please visit AMSA's website [here](#).

If you require further information, please contact [AMSA Connect](#).



## Annex 1 – Information Sessions

The purpose of the information sessions was to support the first round of public consultation on the proposed changes to Marine Order 505.

AMSA held information sessions in each state and territory. The sessions were open to the public and widely advertised through a national communications campaign.

#	Location	Date
1	Eden	19 August 2019
2	Hobart	21 August 2019
3	Melbourne	22 August 2019
4	Fremantle	26 August 2019
5	Geraldton	27 August 2019
6	Sydney	29 August 2019
7	Coffs Harbour	30 August 2019
8	Brisbane	2 September 2019
9	Adelaide	2 September 2019
10	Airlie Beach	3 September 2019
11	Port Lincoln	3 September 2019
12	Cairns	5 September 2019
13	Darwin	6 September 2019
14	Launceston	24 September 2019

## Annex 2 - Summary of responses - public consultation 1

Question	Is the draft Marine Order 505 easy to understand?		Are there any sections that are not clear?		Do you agree that an application for a new certificate of competency should include the requirement to hold a first aid certificate?		Do you think a medical fitness certificate for a new issue and self-declaration of medical fitness for renewal is appropriate for the lower grade certificates?		Do you think the eligibility requirements and duties for a Coxswain grade 3 NC are appropriate?		Do you think a recreational boat licence is sufficient for a Coxswain grade 3?	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Response	246	57	133	174	195	72	134	170	163	127	175	153
Number of responses	68.00%	15.70%	36.70%	48.10%	53.90%	19.90%	26.70%	33.90%	45.00%	35.10%	48.30%	42.30%
Percentage	16.30%		15.20%		26.20%		32.30%		19.90%		9.40%	
% number where the answer was indefinite or absent												

## Annex 3 - Summary of responses - public consultation 2

Question	Do you think the proposed guidelines document is easy to understand?		Do you think the content in the proposed guidelines document is enough?	
Response	Yes	No	Yes	No
Number of responses	85	32	62	54
Percentage	56%	21%	41%	35%
% number where the answer was indefinite or absent	23%		24%	

